

## **REMARKS**

The comments of the Examiner as set forth in the official office action dated October 4, 2004 have been carefully studied and reviewed. In this response, claims 1, 11 and 18 have been amended, and new claims 23 through 27 have been added. For the reasons articulated below it is respectfully urged that the claims of the present application define patentable subject matter and allowance is respectfully requested.

In the office action, the Examiner rejected a number of claims, including claims 1, 5, 7, 10-15, 18, 20 and 21 as being anticipated under 35 U.S.C. §102(b) by the patent to Genack et al., U.S. Patent No. 6,012,339. For the reasons outlined below it is respectfully urged that Genack does not anticipate the claims in the present application.

The present invention relates to a flow measuring device having a cylindrical flow chamber that has an axis and an interior cylindrical wall. A rotor is rotatively mounted about the axis of the chamber. An inlet is disposed or formed on one side of the rotor and an outlet is formed or disposed on the other side of the outlet. The important point here is that the inlet and outlet are not aligned, but are axially spaced with respect to the axis of the chamber. That is, the rotor is disposed between the axially spaced inlet and outlet.

All of the claims clearly define this feature of Applicant's invention. In the Genack patent, the rotor and the inlet and outlets are all aligned. See Figure 6 of the Genack patent. That is, as viewed in Figure 6, air enters from the right as indicated by reference numeral 34. This air is directed horizontally across the rotor and out the outlet. The exiting air is represented by the numeral 34. Clearly the inlets and outlets are aligned and are not axially spaced where the axial spacing is referenced to the axis of the cylindrical flow chamber.

A brief review of the claims may be helpful. In Applicant's application, paragraph f of claim 1, for example, the inlet and outlet is said to be axially spaced with respect to the axis of the flow chamber. In addition, paragraph g provides that the rotor is mounted between the inlet

and outlet along the axis of the flow chamber, but is axially spaced along the axis of the flow chamber from both the inlet and outlet. That is certainly not the case in Genack where the rotor is aligned with the inlet and outlet.

The same distinctions can be found in claim 18. Paragraph e provides where the inlet and outlet are axially spaced, relative to the axis of the flow chamber, and disposed on opposite end portions of the chamber. Further, paragraph f provides a rotor rotatively mounted about the axis of the chamber and axially spaced, along the axis of the flow chamber between the inlet and outlet such that the inlet, outlet and rotor lie in separate transverse planes. Again, the structural orientations of the inlet and outlet with respect to each other and with respect to the rotor distinguish the present claimed invention from Genack.

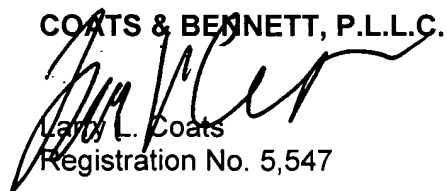
The method claims distinguish over Genack as well. Paragraph d of claim 11 calls for the rotor being axially spaced, along the axis of the chamber, from the inlet where the fluid enters a chamber. In addition, paragraph f calls for directing the fluid out an outlet axially spaced, relative to the axis of the chamber, from the rotor and disposed opposite the inlet such that the rotor lies between the inlet and outlet. Here again, claim 11 makes clear that the inlet and outlet are not aligned, but are axially spaced with respect to each other relative to the axis of the flow chamber. New claim 23 also recites the same distinctions and for the same reasons is patentable over Genack.

For the reasons set forth above it is respectfully urged that the present application is in condition for allowance and allowance is respectfully requested.

Respectfully submitted,

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